

1-22-2021

Dear Bill,

I appreciate the revisions that have been made to the draft short term rental (STR) ordinance thus far in response to comments from residents. Please share my proposed revisions and comments with the Select Board members. I still hope that a compromise can be reached because the last thing Rockport needs during the pandemic is another divisive and time-consuming controversy. That being said, I cannot support an ordinance that is as excessive and overreaching as the current draft. I am a year-round resident who offers a second unit in our home for short term rental, as Rockport homeowners have done with their properties for generations. We do so not to make a profit but just to help subsidize our high property taxes and other costs of maintaining our homes. Unfortunately, John Viehman, the Vice Chair of the Planning Board has characterized our financial needs as “plain and simple greed” in the latest of his meanspirited editorials. (“Village Soup”, December 26, 2020).

Mr. Viehman’s claims that our objections are “not representative of the broader population” also are not true. In fact, many residents who have never rented out their homes also object in principle to the Town encumbering and opposing excessive regulations on their property rights. Our young people who aspire to become homeowners by supplementing their limited financial resources with “sweat equity”, also oppose this ordinance which could make their goals unattainable. As our realtors will attest, many homeowners who occasionally rent out their homes have improved the appearance of their streets and their neighbors’ property values by restoring distressed properties.

Our businesses also oppose the draft ordinance because they know firsthand that our local economy depends in large part on tourism. This requires a variety of lodging options to attract a diverse visitor population to Rockport which will spend money in restaurants, shops and on outdoor recreation activities. The biggest and most rapidly growing worldwide tourism trend for over a decade has been short term rentals offered by homeowners. They provide an economical option for visitors and are especially popular with millennials, a large tourist demographic, due to their strong preference for seeking out local and personal experiences when they travel.

As a baby boomer who has raised three millennial kids (my youngest indignantly insists she is Generation Z), I often do not try innovative new services until they cajole me into it. It took me a couple of years to muster the courage to use an Uber instead of a familiar Yellow Cab. So I can understand how some of my fellow boomers who are more comfortable with hotels fear that Rockport will be overrun by short term rentals if the Town does not regulate them. But much of this seems to be fueled by a misrepresentation that Mr. Viehman made about his own neighbors which sparked an unfounded rumor that local properties are rapidly being bought up by corporations and STR investors from away. (December 17, 2020, Village Soup.) Some larger cities with year round tourism attract STR investors in large numbers. But our realtors say that this is not the case in Rockport where short term rentals are limited largely to the summer months and carry high costs for real estate, taxes, and the renovation and maintenance of older housing stock. They sell homes not to “STR investors” but to families who want to live in Rockport full-time or part-time.

Similarly, I believe that the Select Board has only presented two documented complaints about short term rental guest behavior. One involves a neighbor of Chair Debra Hall, whose guest mistakenly parked in Debra’s driveway several years ago. The other involves a resident who is periodically disturbed by her neighbor’s guests talking outdoors on the deck on summer nights, which though annoying, does not

constitute disturbing the peace. Some residents could relate more significant noise complaints or other annoyances with their neighbors or their teenage kids, who unlike Airbnb guests, will not leave in a couple of days. Debra and Denise Munger say they also have received anonymous complaints but have not shared the actual number, the general location, or any specific details despite requests to do so. Does Rockport really need a nine page ordinance that calls for excessive regulations, hefty fines and staff time spent on enforcement to solve minor problems that could be addressed by speaking to one's neighbor? Unfortunately, these anonymous complaints have received more credence than data compiled by our Police Chief, which include no complaints about STR guests during the last two years. The draft ordinance also presents assumptions as fact without any research or hard evidence, like the declaration that STRs have "affected the availability of long-term rentals". For these reasons, most homeowners who rent their homes think that this ordinance is a "solution in search of a problem."

In the recent issue of the Town's newsletter, "The Rockport Resource" , Chair Hall notes, "Residents at the September 2019 workshop spoke about the need for a database to identify how many STRs exist in Rockport and where". (The residents Debra referred to were herself and former Select Board member, Doug Cole.) She added, "Of course, this can only be accomplished by requiring that STRs register with associated penalties for failing to do so". Mr. Viehman naturally favors this same aggressive approach, "Strict penalties for non-compliance assures short-term rental owners take this ordinance seriously. We're either all in or there's no reason for the ordinance." (Village Soup, November 19, 2020).The next STR workshop did not occur until July 9, 2020. Though it was disingenuously positioned as just another preliminary discussion about the possibility of a STR ordinance, comments made by two public officials in attendance made clear that "the fix was in". During that workshop and Select Board meetings that followed, many homeowners who rent their homes shared verbal and/or written comments about the details of their rentals and their motivation for renting them. These frequently involved subsidizing their property taxes and other housing costs. I suspect many of us would be willing to voluntarily share more details with the Town as we are law abiding citizens who are proud of our homes and reputations as considerate neighbors and responsible hosts. In fact, if some of these anonymous complaints involve homeowners who are truly "bad apple" hosts, we would happily assist the Town with outreach to them.

Instead of a punitive approach involving excessive regulation, fines and time consuming enforcement by our Town employees and officials, a good and collaborative compromise might be working with the homeowners' group to establish a voluntary database that would provide documented information, most of which could easily be verified through Town records. While a voluntary database would not capture every homeowner who offers summer rentals, it could provide a lot of accurate, verifiable information which could be used to help address concerns and assess whether a new ordinance is even necessary.

This would avoid prematurely rushing a controversial draft ordinance to the ballot this June at this very difficult time. We will still be living with the threat of the pandemic in early summer as vaccinations continue to slowly roll out in Maine and across our nation. And because Covid has hit our country so hard, Rockport residents will continue to struggle financially long after this summer, as economic recovery is projected to be slow. As a Rockport property owner and realtor wrote of the proposed ordinance, "Surely, there are more important and pressing issues facing Rockport and our community--so let's focus our town resources and energy on more positive efforts that we all can get behind."

Thanks for your consideration, Bill, and for all of the work you and our other Town employees do to keep us safe during Covid.

Best,

Clare

## DRAFT ORDINANCE COMMENTS

**STRs should not become classified as “commercial uses”** - A homeowner’s short term rental of their home or part of it does not make the home a “commercial use”, which is defined as follows in Sec. 302 of the Land Use Ordinance (LUO), “The nonresidential use of lands, buildings, or structures, other than a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. “

Homeowner’s rentals are a residential use of their homes, and should be treated the same as home occupations and other rentals which are specifically excluded from this definition. In fact, Pleasant Street is a good case in point. John Viehman strongly objects to two of his neighbors offering their home for short term rentals primarily during the summer months, not to make a profit but to help offset their renovation costs. Yet his wife, Amy Jenner, operates a year round business from their home for profit, which entails multiple clients driving to and parking at their home. Ms. Jenner’s business arguably has more of an impact on the neighborhood than his neighbors’ seasonal rentals which involve guests who typically stay for a few days, bring one car, and spend most of their time sightseeing and patronizing local businesses and restaurants. Indeed, most homeowners’ short term rentals seem to meet the home occupation criteria set forth in Section 811 of the LUO.

Another stated purpose for the ordinance is to prevent inequitable treatment with other lodging businesses. It is farfetched to equate a homeowner’s summer rental of their private residence to help subsidize their property taxes and other ownership costs, to profit-making enterprises like motels or hotels operating in commercial buildings with multiple rooms and employees, common areas and parking lots, pools, restaurants, etc. Yet this proposed ordinance would now classify homeowners’ short term rentals as a “commercial use”, which means we could even be assessed additional taxes for personal property, like our own beds and furniture. When asked by Select Board Member Mark Kelly at one meeting whether you had received any written complaints from Rockport motels, you replied no. That is not surprising because Rockport does not have Bed & Breakfasts, unlike Camden where these businesses actively lobbied against competition from homeowners. (“How did the popular vacation-rental service become a hugely contentious issue in Maine?”, Downeast Magazine, Will Grunewald.)

**STRs should not be regulated as “conditional uses”** - The proposed ordinance would also make homeowners’ rentals a “conditional use” in several districts on the grounds that they are more densely populated. Yet year round home occupations and long-term rentals are a permitted use in these districts. The draft ordinance even proposes to make STRs a conditional use for homeowners like me in the 913 downtown district in the shadow of commercial businesses already allowed there, including the Rockport Harbor Hotel.

The proposed conditional use approval criteria are also so subjective and imprecise that a resident could not have any measure of how their application will be judged. The Planning Board also would lack concrete standards to apply in its review. Two of the proposed conditional use criteria for STRs are particularly troubling as they will rely on statements of neighbors “in support of or against further STRs” and “the impact of more STRs on abutting properties and other neighbors”. The irony of these proposed standards is perverse because Chair Hall has justified the Board’s lack of transparency in relying largely on

anonymously shared complaints because “pitting neighbors against one another is ‘not the Maine way.’” (“The Rockport Resource”, p.9).

In sharp contrast, Section 919 of the LUO does not require neighbor testimony in the review of a proposed conditional use, many of which would have a more significant impact on a neighborhood than a homeowner’s short term rental. Contrast the subjective and vague proposed criteria for STR’s with the review in in Sec. 919 of the LUO, “Conditional Use would not have a **significant adverse effect** on: the value of surrounding properties or the use and quiet possession of surrounding property owners.” (emphasis added). As several homeowners have pointed out, experiencing occasional annoyances from our neighbors does not rise to this level; it is just part of normal community life.

The approval criteria would even consider whether a homeowner’s application to offer their home for short term rentals would impact “the availability of long-term rentals in Rockport generally”. Yet the Select Board itself cannot even demonstrate any correlation between the availability of long-term housing and short term rentals. The rumor that STR’s investors are buying up homes which would otherwise be available for purchase for long term rentals has already been debunked. In addition, before Airbnb was even founded, the 2004 Comprehensive Plan noted that “As a result of high property values and high property taxes, lower to middle income residents are being forced out of these communities.” (p.19)

Requiring formal Planning Board review instead of reasonable oversight and safety compliance by the Code Enforcement Office is overkill. The proposed STR regulations require applicants to proceed in an unnecessary formal review process that is uncertain and potentially intimidating. And given his hyperbolic editorials, can applicants expect they will get a fair hearing from John Viehman?

**There is no reasonable basis to require a four-day minimum stay.** There is no evidence or rationale supporting a minimum stay requirement as required for “Non Owner Occupied” properties, which under the ordinance’s restrictive definitions will include many year-round residents’ homes. At the very least, homeowners need to be able to offer their homes for three-day holiday weekend rentals when guest demand is very high. Guests also frequently split a week-long vacation between Rockport and Bar Harbor or Portland, which means they only stay three nights in each location. It would adversely impact both the homeowner and our local tourism industry to require them to leave their homes unoccupied for a fourth night during the summer season, when high demand for rooms often exceeds supply. The summer season is short in Maine and the four-day minimum requirement is arbitrary and punitive.

**The proposed parking requirements don’t recognize the rights of existing STRs as grandfathered from any parking limitations.** Two centuries ago, many homes in the Village District were sited right on the carriage roads. Recognizing this historical fact, some homes like mine have always been grandfathered from parking requirements for zoning purposes.

The Town should not now require homeowners in my circumstance to establish two on-site parking spaces in order to qualify for grandfathering of a current STR or to develop two spaces for any future registration. The proposed parking criteria for homeowners are inconsistent and discriminatory in light of the Select Board’s ongoing advocacy to completely eliminate any parking requirements for commercial development in the downtown district. ( Letter to the Editor, Town website). At the very least, any proposed regulations should include the opportunity for a homeowner to secure alternative off-street parking.

**The proposed regulations baselessly discriminate residents and non-residents and two categories of residents.** The proposed STR regulations seek to treat rentals differently depending on whether the owner is living in their home at the same time as the guest or not. To date there has been no credible justification advanced to make this distinction, except for two documented complaints mentioned above, which happen to involve homeowners from away. The Select Board itself acknowledged that it cannot tell the difference between homes that are “owner occupied” and ones that are not.

The “Owner Occupied” definition unfortunately seems intended to discriminate against homeowners “from away”. This policy is very concerning given Rockport’s long history of welcoming many generations of summer people who love and contribute to our town. Our neighbors from away are taxpayers too, some with substantial tax burdens, yet most use our municipal services lightly, and their kids don’t even attend our public schools. In addition, many support our local nonprofits, make good customers for local businesses and provide seasonal work for residents. There is no rationale supporting a distinction for homeowners from away to be subject to extra burdens and unnecessary requirements like a home inspection or a higher annual registration fee if they decide to occasionally rent their homes. Some of these families have longstanding ties to Rockport with eventual plans to retire here. Why would Rockport want to discriminate against them?

Ironically, the proposed definition for “Owner Occupied” is so restrictive – the owner must actually live in their home or an adjacent one while renting it to a guest - that most year-round residents would not meet these requirements either. As such, the proposed standard discriminates between year-round residents based on the type of home they own. Most year-round Rockport residents live in a single-family home and don’t have a second unit to rent out, let alone own a second house next door. And even before Covid, most guests and hosts did not want to share rooms in the same house. Yet year-round residents who move out of their homes to a nearby camp or a boat in the summer but check on their homes daily, would be categorized and regulated as “Non Owner Occupied” under the proposed ordinance.

**Grandfathering should be specific to use.** In addition to grandfathering the heirs of homeowners who currently offer short term rentals, the grandfathering of registrations should apply to the **use** itself, so that it is also grandfathered upon sale. Otherwise, residents who have rented their homes for years could not use their rental history income as a selling point for prospective buyers. These buyers also might need seasonal rental income at some point in order to meet their property taxes and home expenses. Yet the conditional use criteria for new registrations are so vague that no seller or realtor could reasonably assure a prospective buyer that they could attain one. This will almost certainly affect resale values which is a serious matter for residents whose homes might be their largest asset.

**Eliminate Two Year Moratorium.** If it passes, the ordinance would place a two year moratorium on the consideration of new registration requests in certain districts, which would adversely impact property sales. Residents who want or need to sell their homes during this period and their realtors and prospective buyers will be uncertain of the property rights which are being sold or acquired.

**Expand Window for registering “Non Owner Occupied” existing STR’s.** The ordinance provides a very short window – just sixty days - for registering an existing STR and the penalty for missing it is forfeiture of the grandfathering right. This seems draconian given that some of the eligible homeowners might not even become aware of this deadline until after it has passed.

**Eliminate Retroactive Restriction on establishing a new STR** – It seems particularly harsh and insensitive during a raging pandemic that has imposed significant financial hardships, the proposed ordinance would

retroactively prevent residents who might need to rent out their homes for the first time from doing so. As of December 31, 2020, the proposed cutoff date under the ordinance, the pandemic has already been raging for 9 months and tragically it will get even worse before it gets better. Over 400,000 Americans have now lost their lives, including 17 more Mainers today and yesterday. Many Rockport residents are struggling with unemployment, other significant financial losses, their own health or grieving the loss of a loved one due to Covid. It will likely take another year for the vaccination to be rolled out nationwide and our economic recovery will take much longer. Rockport should not prohibit or place any moratorium on homeowner's rentals of their homes during this time

Clare

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1/25/2021

Dear Town Manager and Select Board,

My name is Jan Fish, I have lived in Rockport for 60+ years. Our small community has always had a warm caring feeling, people caring about their neighbors and the local folks around town. The rich and the poor respecting each other's space and still minding ones own business. When you start implementing rules and regulations in regards to what a person can do with their own property it changes the essence and flavor of our town. If a resident needs or just wants to rent their property, that is their business. Perhaps it's to keep up with the ever increasing real estate tax obligation or perhaps it just provides fulfillment of purpose. That being said, it's their privilege as a property owner in Rockport to do with their home whatever they wish. When the town starts telling people what they can and cannot do with their home it is far beyond the scope of town government. Don't make regulations for regulations sake. STR for some makes the difference between keeping their home or being driven out. I passionately ask you to take a step back and leave things be. Focus on the needs of our parks and roads, schools and open space. Let the less privileged enjoy their piece of this charming town. Listen to the people that have helped make this town what it is today. We do not need STR to be regulated by the town. The town can focus on cutting costs of operation, wonderful bridgedinners, fireworks, parades and events of a small town that is about all its citizens not just a few that want to control every situation.

Thoughtfully yours,

Jan L. Fish

Limerock Street

Commercial Street

South Street

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1/29/2021

Good morning.

I expressed my opinion a few weeks ago to a few select people and the town manager regarding short term rentals and the proposals that have been researched here for the town. I was met with explanations of the importance of this particular research and regulation. And that it was a minimal regulation compared to places like Portland. Honestly I can't even see the correlation.

I want to reiterate that as a Rockport tax payer, I am NOT interested in putting more STR regulations on how we manage our property.

Regardless of the recent statements by a few key people about how they've been personally impacted by short term rentals and tourism in Rockport, I'd like to kindly remind everyone that things like bringing a large hotel in to downtown will certainly create the same type of problem for some of those residents.

In season, there may be tourists parking near your house, inadvertently blocking your driveway, there will be noise. We might have photographers from the Media Workshops taking pictures and walking the streets...This is the price we pay for having tourism in our town. People are basically kind and don't really do it intentionally to be mean. Especially if they're on vacation.

And as you all know we do need tourism. At the same time, we are a bedroom community primarily. We don't have the same needs as many other towns.

I am object to putting more regulations in our town simply because other towns have done it, or that certain people feel that it's an important part of town policy. We don't need it. Stop wasting our select people's time and move on to something important.

I would rather see someone spending time measuring the decibels that come out of that fan at the top of 18 Central every single day, as you can tell when you walk in the evening how loud that fan is. It's starting to whine, now. Just imagine what it would be like to have 10 fans on the roof, and other exhaust from hotels etc.(go down on a nice quiet evening around 7 PM)

I'd also like to see people paying attention to some of the other things that we need in Rockport Village, like affordable housing so that we don't have such a need to make STR money to pay taxes.

Thank you to Mark Kelly and Michelle Hannan for expressing more local opinions of STR regulations, the other side from those who feel driven to drive this proposal into our politics. Please continue to listen to me and others on the other, not-so-loud, side, who don't support the new ordinance, not just those of the ones who talk so loud.

Thank you.

Jenni Lyn Cooper  
Rockport

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Excerpted from Wikipedia, submitted for consideration by John Viehman:

## **"Tragedy of the Commons"**

The "tragedy of the commons" describes a situation in economic science when individual users, who have open access to a resource unhampered by shared social structures or formal rules that govern access and use, act independently according to their own self-interest and, contrary to the common good of all users, cause depletion of the resource through their uncoordinated action. The concept originated in an essay written in 1833 by the British economist William Forster Lloyd, who used a hypothetical example of the effects of unregulated grazing on common land (also known as a "common") in Great Britain and Ireland. The concept became widely known as the "tragedy of the commons" over a century later after an article written by Garrett Hardin in 1968.

Although open-access resource systems may collapse due to overuse (such as in over-fishing), many examples have existed and still do exist where members of a community with regulated access to a common resource co-operate to exploit those resources prudently without collapse or even creating "perfect order." Elinor Ostrom was awarded the 2009 Nobel Prize in Economic Science for demonstrating exactly this concept in her book "Governing the Commons," which included examples of how local communities were able to do this without top-down regulations or privatization.

In a modern economic context, "commons" is taken to mean any open-access and unregulated resource such as the atmosphere, oceans, rivers, ocean fish stocks, or even an office refrigerator. In a legal context, it is a type of property that is neither private nor public, but rather held jointly by the members of a community, who govern access and use through social structures, traditions, or formal rules. The term is used also in environmental science. The "tragedy of the commons" is often cited in connection with sustainable development, meshing economic growth and environmental protection, as well as in the debate over global warming. It has also been used in analyzing behavior in the fields of economics, evolutionary psychology, anthropology, game theory, politics, taxation, and sociology.

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2/7/2021

Dear Mr. Post,

It seems to me cruel to make it difficult or even impossible for Rockport residents to rent out their homes for short terms. I used to rent both my houses (10 Church Street and 5 Franklin Street) decades ago, but have no longer the financial need to do so. (Now only family and friends visit these houses.) I write therefore, as someone who will not be directly affected by the proposed ordinance. Still, I hope you will show this letter to the Select Board because I care very much about Rockport and how it is governed.

I know what it is like to rent to strangers; I know what it's like to need the extra cash that comes from allowing people one doesn't know to share one's living space. It's not always a comfortable feeling when the money it brings in is necessary. So one puts away the good china and hopes for the best. Not all people lucky enough to live here can afford to remain comfortable unless they take this chance. And I should add, that most of the people who want to come to Rockport, particularly to a private home, are very nice. I seldom had an unpleasant experience renting my property.

It seems hypocritical that a huge hotel may be allowed to be built in the center of Rockport, and only one family, an already rich family, will benefit. Yet families who are much less wealthy than the Stuart



Smiths would be constrained by this ordinance from making money in much the same way as Smith's hotel: hosting tourists. Reading a draft of the proposed ordinance one gets the feeling of bureaucracy run amok: officials thinking up all sorts of ways to make it difficult or impossible for the proverbial "little guy". Yet the "big guy" is allowed to buy half the town and do what he wants with it. He is allowed to change it as he sees fit, and he can have all kinds of people staying in his property; inadvertently even drug dealers.

Short term renters in private homes in Rockport are apt to be young and educated. They are apt to be the kind of person that Rockport wants: tourists who enjoy the outdoors and natural beauty. They are apt to be curious about the area, maybe even scouting for a new place in which to buy their own houses and raise their families. In any case the host can find out about his renters beforehand, can question them and decide whether he wants them in his house. The host (and by extension his neighbor) is much more apt to learn if they are noisy party givers or drug dealers. The host of a short term rental has much more control over his guests than the owner of a big hotel.

Please don't let Rockport be a place where bureaucracy seeps into every corner of our lives. Let people do what they want, as long as they aren't hurting anyone. If occasionally some renter's car blocks some resident's driveway, don't turn it into a major crime and invent an ordinance that restricts much needed tourism and the ability of everybody to enjoy this wonderful place.

Sincerely,  
Andy Austin

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2/8/21

Mr Post and Ms Hamilton,  
My neighbor, Jeff Leighton, included me on the below email.  
He sent this directly to a Board member, not to the town.  
Please see below as I have learned the best way for all Board members and for the letter to be documented is to contact you directly.  
Thank you,  
Maud Abess

**From:** Jeff Leighton <[jeff@sfh.com](mailto:jeff@sfh.com)>  
**Subject:** Short Term Rental issue  
**Date:** January 29, 2021 at 12:23:21 PM EST

Bob, thank you for your comments. At this point in time, we are not renting any Maine properties, but I oppose useless and excessive regulations of any type. In the case of short term rentals, I do not see an urgent need to regulate a VRBO industry in Rockport.

Regulations are a slippery slope and designed to protect one side over the other. In this case, I believe that the local hotels are pushing this idea.

I don't favor more regulation, that results in more cost and no benefits to the property owner. Many people in Rockport do short Term rental to help pay for our excessively high property taxes.

Rockport needs to embrace a pro-business attitude. Many of the problems with Maine ( over decades) are related to an isolationist, non -probusiness attitude.

Thus, I must respectfully disagree with this initiative by the town and yes I do consider it over reach

Regards,

Jeff

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2/7/2021

Dear Rockport Select Board Members:

We recently learned of the proposed short term rental ordinance, and are alarmed at what appears to be an over reach of town authority with no data to back its proposed actions.

We moved to Rockport 10 years ago with our young children. We have no family ties to the area but chose to live here because of the quality of life - including the area's natural beauty and small but vibrant town. Of note, we decided to live here during a visit when we stayed in a short term rental.

Our home also has a rental unit which we use for a combination of purposes: extra space for visiting family and friends, and extra income to help us pay for property taxes. It was one of the reasons we purchased this house. We have rented this unit both for long and short term use.

Having not been aware of the proposed short term rental ordinance until just last week (it's been a busy year for people in healthcare and with school-aged children), we have tried to understand why the town is possibly interested in such a measure and have gone through much of the archived information on the town website. It appears that a few members of the select board initiated this process due to vague concerns that excessive short term rentals are degrading the fabric of the community. In addition, there were some anecdotal reports of noise, parking issues, and conjecture that short term rentals decrease the housing stock for affordable long term units as well as concerns about building code violations that may pose a safety threat.

These are reasonable concerns, but should be backed up with data. Here is a list of the types of questions that came to mind when going through the material:

1) Has there been any real attempt at quantifying the amount of short term rentals? To our knowledge, the answer is "no". We have never been approached by the town to inquire about our rental status/frequency/etc. As owners of a short term rental, we have a business license and collect 9% lodging tax for each rental. This is submitted to the state quarterly. Surely, this information is available to learn how many short term renters there actually are. Data collection is wise before laws.

2) How many people in the town really think that short term rentals are affecting the fabric of our community? Has a survey been sent out to gather public opinion? Again to our knowledge, no effort has been made in this regard.

3) How many noise complaints and citations have been issued? In reading the archived information, it appears that the answer is “none”.

4) What is the evidence that short term rental units are actually decreasing the affordable long term housing stock locally? To our knowledge, no local evidence exists. Although this is a topic of many national and international articles, the relevant answer for us depends upon local data and determinant of housing supply and demand.

5) Is there any evidence that code violations have occurred with resultant safety issues? Again, to our knowledge no one has presented this as a credible threat to public safety.

What is being proposed by the town would be a significant infringement of property owner’s rights. If the town select board proposes such measures, it is incumbent upon the same select board to present data (not anecdotal reports) that support and validate usurping such rights.

In addition to the above, we cannot understand why the town select board would want to do anything that will hamper an economic recovery that will hopefully start this summer. Tourism is one of the vital industries that brings money and jobs to our community. This has been a horrific year for the hospitality industry among others. Why would we take measures that would discourage visitors from staying in our town when we need them most?

Pursuit of such a heavy handed regulatory approach as proposed in the short term rental ordinance is not the correct approach.

If the concern is noise - then pursue noise ordinance enforcement.

If the concern is parking - then pursue parking enforcement.

If the concern is lack of long term housing - then pursue infrastructure changes that will increase supply of long term rental housing.

If the concern is that the town is not capturing revenue - then pursue tax/fee reform.

We thank you for your service to our community, but we believe the proposed short term rental ordinance is unjustified and cannot be supported in absence of convincing data.

Most sincerely,

Alexander and Maud Abess

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*The Rockport Select Board voted 4 to 1 Feb. 8 to table further consideration of a town short-term rental ordinance*

02-08-2021

**Subject: STR Comments Final- Debra Hall**

*The Rockport Select Board voted 4 to 1 Feb. 8 to table further consideration of a town short-term rental ordinance*

We started this process by scheduling the first resident workshop in September 2019. The workshop was scheduled because several Board members received repeated requests by residents to address the STR issue, an issue that has been or is being addressed by at least 19 other towns in Maine.

Resident statements at that workshop supported the need to address STRs and a majority of **4 Board members** were in favor of pursuing a STR ordinance. For anyone who studies this issue in depth, as some of us have, it's clear that those towns who do not address STRs proactively are the ones who end up regretting it later.

Through this process, we listened to STR owners and have made **many** changes to the proposed ordinance to be responsive to those concerns. We did a presentation at a recent Board meeting to demonstrate that the rumors circulating about the proposed ordinance are inaccurate and misleading and that the proposed ordinance is in line with or less burdensome than what has been enacted in other towns in Maine. Regardless of the rhetoric that is circulating — this is a registration ordinance that preserves the ability of those currently renting STRs to continue to do so without restriction.

However, the bottom line is that most of the opponents want no ordinance of any kind.

Unfortunately, the residents who have supported regulation have largely been silent through the process. While some have stepped forward publicly, most have not. They should not be criticized for opting not to enter the public fray, particularly since a small minority of residents have targeted anyone who supports regulation for personal attacks and rhetoric that is unbecoming civil discourse.

The majority of the Select Board has been supportive of getting this measure to a vote in June so that everyone's voice can be heard privately at the ballot box. But the opponents of STR don't want the full Town to have the opportunity to vote on the proposed ordinance.

In the end, the Select Board carried out their responsibility — being responsive to residents who supported and opposed regulation. We did our research with respect to what is happening with STRs across the nation and here in Maine. We drafted what the majority of the Select Board viewed as a fair ordinance and made many changes in response to legitimate comments we received from the public. We conducted more workshops on this issue than any other and posted comments on the website for all to freely and easily access.

And yes, the majority of the Select Board does view the proposed ordinance as a fair one — and for those who suggest that Select Board opinions don't matter or that we should seek permission from residents before pursuing an issue — that's incorrect — that's why we are elected to the Select Board — it's our responsibility to pursue those issues that **we believe** are in the best interests of the Town — and we have done that.

For those who criticize us for not listening — please hear loud and clear that we **are** listening. We've been listening all along. As elected officials we want to hear from all residents — not just the loudest voices. That was the purpose for putting this proposed ordinance on the ballot — to give all residents the opportunity to express their view. But at this juncture the rhetoric is too heated for reasonable debate so as responsible Board members I support the view that it is time to cool down the temperature by tabling the issue.

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03-05-2021

Dear Bill,

All the property owners who have signed this letter wish to have it presented to the Select Board in preparation for the meeting of March 8, 2021.

On February 8, the Select Board voted 4-1 to table the draft short term rental ordinance and not place it on the June 2021 ballot. Days later, 34 residents signed a petition seeking to reverse the Select Board's vote. It did not meet the requirements for a citizens' petition.

Then the Select Board member who opposed the original vote, proposed placing a non binding vote on STR regulation on the June ballot instead.

The Select Board should vote against this proposal at its March 8 meeting. It should not allow a non-qualifying petition to circumvent its original vote, which would set a bad precedent. It also would create more upset and division during the pandemic, a consequence which the original vote was intended to avoid.

Sincerely yours,

Clare Tully

Ann Austin

Keith Lorenz

Kathleen Hackett

Stephen Antonson

Marlka Kuzma Green

Tim Montague

Felícia Giordano

Glen Maine  
Gina Mazza  
Shari Yelowitz  
Benjamin Lantz  
Elizabeth Lantz  
Kate Lee  
William Lee  
Tiffany Ford  
Vic Steinglass  
Marsha Steinglass  
Nancy Ottaviano  
Bill Ottaviano  
Tom Young  
Jenni Lyn Cooper  
Lisa Genasci  
Christopher Smith  
Jeff Leighton  
Lodi Leighton  
Melissa MacCoole  
Jeffrey MacCoole  
Mari Jones  
Robert Wolterstorff  
Alexa Fogel  
Ralph Wallace  
Haunani Wallace  
Marci Annis  
Maxwell MacCoole  
Michael MacCoole  
Alexa L. Fogel

Stephen Bowen

Alex Cohen

Sincerely yours, from all of the above

Under separate cover, I will include the permission to be included from each person on this list. Respectfully submitted,  
Marsha Steinglass

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March 6, 2021

To the Rockport Select Board Members:

We were relieved when the Select Board wisely voted 4-1 on February 8 to table the draft “Ordinance to Regulate Short-Term Rental Property” and not place it on the June ballot. This ordinance would hurt our businesses and local economy which rely heavily on summer tourism. It will also hurt the vitality of the Village - where several of us not only operate our businesses, but also live. We understand that 34 residents recently filed a petition seeking to circumvent your vote and as a result, the Board is now considering a proposal to place a non-binding vote on short term rental regulation on the June ballot instead. We believe the Select Board got it right the first time and should stay the course.

Many of our businesses struggled last summer and are now facing a second summer of the pandemic. Even after the pandemic finally subsides, it will take at least a few years for our tourism industry to recover from its devastating financial impact. Short term rental regulation could not come at a worse time for us and our employees, as well as our fellow residents who are experiencing financial hardship due to the pandemic.

Our local economy largely depends on tourism, which in turn requires different lodging options. Short term rentals offer an economical option for visitors and are especially popular with millennials, an important and growing segment of the tourism industry. They seek out personal “experiences” when they travel, and often prefer staying in homes owned by local residents. They value their hosts’ recommendations on enjoying their stay in Rockport, which bring a lot of business to our restaurants, shops and schooners.

The proposed draft ordinance, if ultimately placed on the ballot in November, will not only hurt tourism and economic development, but also the vitality of the Village. It will severely restrict and regulate homeowner rentals in the very districts where tourists most want to stay: the Downtown District, the Harbor Village District, the Village District, the Residential Coastal District, and the Residential District. Most tourists want to be a short walk or drive away from the Harbor, restaurants and shops.

Surprisingly, a few of our Town officials resent those “from away” staying in their own neighborhoods. However, most residents welcome tourists and visitors and the activity they bring to our neighborhoods. They prefer fewer “dark” homes not more - which this proposed ordinance would create.

Finally, the homeowners who currently rent their homes – or who may need to in the future – are not “STR investors from away”. We know them. They are our friends; they are our neighbors; they are community volunteers. Many residents need multiple sources to cover their high property taxes and other housing costs. Renting out their homes during the summer is one of them. Let’s not reverse a century old tradition rooted in our history as a summer colony, that helps our homeowners and businesses to this day.



Sincerely,

Peter Ralston & Terri Harper, Ralston Gallery  
Sara Jenkins, Nina June  
Sarah Greer, Bleecker & Greer  
Bonnie Schmidt, Schooner Heron  
Graffam Bros.  
Jacob Wienges, Seafolk Coffee  
David & Thela Gelerman, 47 West, LLC  
Steve Watts, Sweet Sensations  
Robert L. Morgan, Flatbread Company  
Jason Haynes, Rayr

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03-22-2021

Dear Select Board Members,

I write in regard to the latest chapter in the STR saga. I appreciate the difficulty of coming up with a non-binding question on a subject so complicated that it does not lend itself to a yes or no answer, like fireworks did. That being said, the proposed non binding question is biased, leading and seems intended to buttress the need for STR regulations, given the lack of documented complaints. Unfortunately, this question will not “survey” voters, it will mislead them. As a result, Rockport residents might end up living with the STR controversy not just through one, but possibly two elections, during a devastating pandemic that continues to challenge homeowners and businesses alike. This is exactly the result that the SB’s original 4-1 vote was intended to avoid.

The wording of the proposed question is disingenuous in several ways, First, every homeowner’s house and property are already required to be in compliance with safety and municipal code, and the facts to date show no violations of safety or zoning standards. Not a single incident has been documented or brought forward in discussions to date. All properties in Rockport have been and remain subject to inspection by the Code Enforcement Officer. The language in the question implies that homeowners are renting homes that are currently unsafe, which clearly would sway any conscientious voter.

Second, the label “STR owners” appears intended to mischaracterize homeowners. We are not “STR Owners”. We are not “investors from away”. We are homeowners who occasionally rent our homes to help us cover our property taxes and other costs of owning and maintaining them.

Third, the purported standard in the question, that the proposed ordinance be drafted “to strike a balance between the community’s quality of life and the ability of STR owners to generate income” belies the scope and clear target of the regulations advanced to date. The ordinance is intended to severely restrict “Non Owner Occupied” rentals by homeowners , especially in those districts in which its small group of proponents live. Only a small percentage of Rockport homeowners, whether full-time or part-time residents, actually qualify for “Owner Occupied” status so the draft ordinance would impact the property rights of most of us.

To date every draft of the proposed regulations has set limitations that would eliminate the option for many homeowners to **ever** be able to rent their property short term in the future, as their financial needs or circumstances change. As proposed to date, the regulations allow only “grandfathered” homeowners to continue to offer their homes for short term rental, but even that right terminates on sale or transfer. The regulations advanced to date also set the arbitrary spatial distance between future “Non Owner Occupied” STRs of 1000’. This is intended to eliminate future short term rentals in the very districts where most tourists and visitors wish to stay. In fact, the draft ordinance would even prohibit short term rentals by homeowners who live in districts which have motels and hotels. (Meanwhile, Samoset property owners are completely exempted from its scope.) The effects of the regulatory scarcity will most certainly eliminate the chance for future homebuyers like local young people and young families who aspire to become homeowners through “sweat equity”. It will also hurt our businesses and local tourism economy which rely on tourists, especially millennials, who have a strong preference for staying in private homes.

The regulations advanced to date have also reclassified “Non Owner Occupied” residences that participate in short term rentals as “businesses” like motels, hotels or resorts. This means homeowners who rent their homes will be subject to personal property taxes, thereby increasing their carrying costs on a home. Inconsistently, homeowners who rent their homes long term or engage in home occupations would not be classified as businesses.

The Select Board already decided that pursuing STR regulations during the pandemic was not in the best interests of our community. To now advance a question to the voters that is leading and not fully candid of the highly impactful regulations proposed to date seems both disingenuous and lacking in integrity. I urge the Select Board to uphold its original vote and defer placing this question or any short term rental regulation on the ballot until after the pandemic is over, when we can at last participate in public meetings in person again and come up with a reasonable solution. Thank you for your consideration.

Best,

Clare

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13 April 2021

To the Rockport Select Board:

The select boards of both Rockport and Camden have recently brought forward proposed regulations for non-owner occupied short-term rentals. As one of a handful of small, locally-owned vacation rental management companies in the area, I wanted to clarify a few related points.

First, I want to make clear that we have no objection to the registration of short-term rentals. The short-term rentals we manage in Rockland all abide by that city's registration ordinance, for example. It's an added layer of bureaucracy, but we always play by the rules.

We also want to emphasize that most vacation rental companies, ours included, already have in place "regulations," as it were, to ensure guest safety. I am a certified short-term rental home safety inspector and personally inspect each of the homes we rent according to a strict set of guidelines. Furthermore, our homeowners are required to carry a high level of homeowner's insurance. We also offer 24-7 emergency service to all our guests. We're professionals; wouldn't be in business very long if we didn't make guest safety a priority.

Our guests are also obligated by the terms of their rental contract with us to follow specific rules designed to minimize their impact on neighbors. Thus, ordinances ostensibly proposed for reasons of safety are great, and important for a town to consider, but redundant to a company like ours.

So our real concern with this type of municipal regulation is not with the regulations themselves, but with enforcement. While we management companies must follow them or face penalties, enforcement is almost impossible at the level of individuals renting via large online platforms such as Air BNB.

This has become obvious with Camden's seven-day minimum rental policy, which has been in place for several years now. We frequently lose guests who want to stay in Camden for less than a week to rentals managed by individuals who ignore the ordinance. These under-the-radar, unregulated shorter term rentals will continue despite any new ordinance and perpetuate the frequent turnover of guests that some year-round residents object to in their neighborhoods.

So, regulations such as the one Camden is considering are primarily going to affect only those of us who are already self-regulating with regards to safety and already heeding local and state ordinances, since we offer the easiest and clearest target for enforcement. I understand the interest in wanting to know of how many short-term rentals are out there in our community—I'm curious too!—but given the track record of enforcement of our existing short-term rental ordinance, am skeptical that a new ordinance will provide the true answer.

Furthermore, the diverse reasons absentee homeowners rent out their homes through us are often more complicated (and usually less mercenary) than it may seem. For example, one of our non-resident homeowners inherited her house from her mother and wants to keep it in the family. The income she receives from weekly rentals (vs. year-round) enables her to do so until she is able to move back here full-time. And she is not our only homeowner in this situation.

For other homeowners, being able to offer their Camden-area house for vacation rentals enables them to hold onto the property until they are ready to retire and move here full-time. This is the most common reason for us "losing" a home that we've offered for rent over the years, but our "loss" in this way is ultimately a bigger gain for this community.

My point with all this is that the short-term rental situation in this area is more complex than it has recently been portrayed. Camden Accommodations has been in business for over 20 years, and our employees (including co-owner Hannah, my wife) are all local people who grew up in the area. This isn't simply a matter of reining in absentee homeowners or counting all the Air BNB rentals out there. It's our livelihood and deserves more thoughtful public consideration by our local select boards.

Sincerely,

James Lott, Jr.  
Owner, Camden Accommodations

Cc: Camden Select Board, Camden Town Manager, Rockport Town Manager

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05/19/2021

Letter to the Editor and Rockport Residents,

For my 70 years I have loved and cared about this town of my ancestors.

Now the SB wants to regulate STR's, pave paradise and put up a parking lot. Their grandiosity and overreach has multiplied exponentially over the years since I inherited. They have tried to tear down the opera house, built a Taj Mahal town hall, rebuilt a serviceable library, tried to build a \$\$\$\$\$ community center on the RES site....the list goes on and on and the taxes go up and up, with showy projects rather than much needed basic infrastructure, forcing many to consider STR's to solve their growing tax burden or leave.

I remember when the lobstermen could actually afford to live on the harbor.

Please vote "no" on this STR ordinance, drafted by lawyers from away to solve a problem that doesn't exist and will ultimately cost the STR owners and taxpayers more money, further gentrifying the town until it is unrecognizable.

Wende Newton Walsh (Leach, Leach, Shibles, Shibles, Shibles)

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5/10/2021

This is a hard letter to write. It's about a my life, lived in a village that I love and how that village is changing and making feel less welcome.

My husband and I lived in our home, worked on it, improved it, made it comfortable and beautiful. There is a a little apartment downstairs that we kept for our family when they visited and finally

moved my 94 year old father into until his death. He did not want a nursing home . He wanted to be with us.

Three and one half years ago my husband died suddenly. I was faced with many decisions, one of them being how I could afford to stay in my home. That little apartment and short term rental was the answer. I'm not young anymore. I wanted to stay in my home as long as I could and the thought of selling it in the future, if necessary, with an income producing property gave me a sense of peace. As did passing it on to my family.

Along came some governing members who decided they didnt like the idea of short term rentals in Rockport even though there has been very little, if any, trouble around them.

They were determined to get their way , becoming less than transparent with how they achieved their aims. An ambition to win that just wasn't right. Luckily there was a strong response to the regulation of these properties. The anti STR sympathizers retreated but then re-emerged insisting on bringing it to a vote.

What they want are property inspections, no transferral of short term rental possibility upon the sale of one's house or even with inheritance.

Rockport has changed, allowing the town to fall into the hands of people who have a vision for it come hell or high water.

I'm not a corporation. I have lived and worked here for 50 years. No one I know who does STR is a corporation but instead a lawyer, a chef, a therapist, an artist. We have all been here a long time. We have raised our kids here. This gives those of us who rely on this income a sense of real insecurity about the future. It has made me for the first time to wonder if I even want to live here anymore. It's been a source of anxiety.

And what about the businesses in Rockport who benefit from us sending our renters to them? They have signed letters stating their support for us.

Rockport had a long tradition of seasonal rentals. It's the coast of Maine! The very rich and the not so rich have existed peacefully throughout the years within this long tradition. So then I wonder who wants this regulation? Is this to become a town of the nouveau riche with sensibilities that come from somewhere else? Somewhere where property regulations intrude deeply into peoples' lives? This place isn't a MidAtlantic state or a gated community in Maryland. It's not the Jersey shore.

Let's not go there. Let's have a town where many different kinds of decent people can live and flourish, as they have for years. The attempt to ban short term rentals is a solution to a problem that doesn't exist.

Sincerely

Marlka Kuzma Green

Rockport resident